



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

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Jessie Roberson
Assistant Secretary for Environmental Management
U.S. Department of Energy
1000 Independence Avenue
Washington, DC 20585

Dear Assistant Secretary Roberson

The Department of Energy's final Hanford solid-waste environmental impact statement brings to a head many issues that the state of Washington, the Department of Energy, other states and many citizens have wrestled with for years. On behalf of our state, I am asking you to engage in some thoughtful conversation with us about how to proceed from this point.

First, I want to acknowledge the progress made in recent years on Hanford cleanup, including:

- Progress in constructing the vitrification plant;
- Reaching agreement to retrieve, characterize and properly manage 15,000 cubic meters of buried, suspect transuranic waste;
- Accelerating shipment of Hanford transuranic waste to the Waste Isolation Pilot Plant in New Mexico; and
- Increasing funding for Hanford cleanup.

Moreover, while we have only conducted a preliminary analysis of the Final Hanford Solid Waste EIS, we acknowledge that the final solid-waste EIS speaks to some key expectations we expressed on earlier drafts:

- The preferred alternative would end disposal of wastes in unlined trenches;
- Attention to measures intended to offset harm to ground water from future waste disposal;
- Improved analyses of long-term and cumulative effects; and
- A discussion showing how Hanford is part of a national cleanup problem and that the great majority of its highly and long-lived radioactive wastes are slated for disposal in specialized facilities outside of Washington.

Nonetheless, we have continuing concerns that Hanford could become a national dumping ground for large volumes of radioactive and hazardous wastes, offsetting the progress on cleanup.



- Major portions of the Hanford site do not yet comply with state and federal hazardous-waste requirements, and it will be years before the agreed-to compliance schedules are met. The public legitimately questions why USDOE should be allowed to aggravate the problem by adding more waste to a problem facility.
- USDOE continues to press proposals that will increase the amount of tank waste left in the ground at Hanford.
The solid-waste EIS claim for irreversible and irretrievable commitment of ground water might be cited as a basis to allow further groundwater degradation or to forgo every effort to restore ground water to its highest beneficial use.
- Many Washington residents may be willing to accept some off-site wastes to help clean up this nation's remaining Cold War contamination, but most are not willing to keep Hanford open to off-site wastes from continuing nuclear-weapon and research operations.
- USDOE has yet to provide adequate assurances concerning closure and long-term stewardship of Hanford's disposal sites, including resources to monitor, maintain and re-assess remedies in light of new technologies or risks.

We would like to meet with you soon to explore how USDOE might undertake actions and commitments, such as the following, to address these concerns.

- Initiate improved waste-management practices immediately.
 - End permanent disposal of any waste in unlined trenches.
 - Implement mitigation measures (discussed in Section 5.18.4 of the final EIS) to minimize groundwater degradation, rather than waiting for future analysis to show contamination will exceed applicable standards. The Irretrievable and Irreversible Commitment (Section 5.15) admits the ground water under the disposal areas already violates water-quality standards.
 - Install a system to detect leaks and migration of hazardous wastes from unlined burial grounds that complies with hazardous waste laws.
 - Continue to accelerate retrieval of suspect transuranic (TRU) waste, certification and shipment of TRU waste to WIPP, and the development of capabilities to deal with remote-handled TRU and low-level waste and large-container TRU and low-level waste.
 - Accelerate acquisition of thermal treatment for problem mixed waste, and ship no mixed waste to Hanford that does not have a well-defined and assured treatment and disposal path.
 - Redouble efforts to protect and enhance worker safety in the face of accelerated waste movement, treatment and disposal.
- Limit Hanford waste imports to legacy waste, as defined by Sec. 3154 of the National Defense Authorization Act of 1995: waste generated prior to January 1, 1992, by weapons production or nuclear research activities.
- Acknowledge that both accelerating cleanup and disposing of additional waste from other sites require more urgent attention to long-term stewardship of the massive amounts of waste to be left at Hanford in perpetuity.

The Department of Ecology will continue to provide protective hazardous-waste permits for facilities that are key to Hanford cleanup. We will also continue our review of the final EIS. To the extent the document falls short of Ecology's needs for any future permitting decisions, Ecology will require additional, more-specific environmental analyses pursuant to the State Environmental Policy Act, where necessary, to help public officials and the general public understand the consequences of each proposed facility. As appropriate, we will impose permit conditions to ensure that human health and the environment are protected at and beyond the Hanford site.

Our review of the final EIS will also address whether it supports the actions your department includes in the record of decision on how it intends to store, treat and dispose of waste at Hanford and what facilities will be needed for those purposes. It is our hope that your record of decision will address the concerns identified above. We remain focused on achieving an adequate, timely cleanup of Cold War waste, and we don't want to see any of the new disposal and treatment facilities diverted from that mission. We felt it important to communicate our concerns quickly, even as we continue our review of the final EIS, so you can make necessary adjustments that could help us both avoid additional legal actions.

I look forward to an opportunity to discuss these matters with you and your staff as soon as possible. These discussions should focus on further defining a path forward that benefits both accelerated and effective Hanford cleanup and completing the nation-wide effort to close the book on the Cold War's legacy of nuclear waste.

Respectfully,



Linda Hoffman
Director